

DEPARTMENT OF ENVIRONMENTAL QUALITY

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PEGGY M. HATCH SECRETARY

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Lake Charles Oil Refinery Executive Pleads Guilty to Violations of the Clean Air Act

BATON ROUGE – The Vice President and General Manager of Pelican Refinery in Lake Charles pleaded guilty today to negligent endangerment charges under the federal Clean Air Act. According to the misdemeanor charges filed in federal court, Byron Hamilton, 66, oversaw operations at the refinery which resulted in the negligent release of hazardous air pollutants, including hydrogen sulfide, an extremely hazardous substance into the air which placed persons in imminent danger of death and serious bodily injury. In pleading guilty, Hamilton acknowledged that his negligence in overseeing refinery operations was a proximate cause of the releases and associated risks.

According to a joint factual statement filed in federal court, Pelican Refining bypassed use of a caustic scrubber designed to remove hydrogen sulfide from emissions. In addition, a continuous emission monitoring system used to measure hydrogen sulfide emissions levels was not working properly. In order to comply with a permit issued under the Clean Air Act, the refinery was required to use certain pollution prevention equipment, but that equipment was not in proper working condition. As such, releases of pollutants into the atmosphere and at the refinery were evident.

In 2005 and 2006, Pelican processed sour crude oil which included high concentrations of Hydrogen Sulfide, or H2S, a highly toxic and flammable gas inherent in sour crude refining. H2S is an extremely hazardous substance that has the odor of rotten eggs at low concentrations. Refinery workers reported smelling H2S as well as having their personal H2S monitors trigger on occasion. Pelican Refining had no procedure to record, track, report or mitigate H2S releases.

"Facilities operating in our backyards have a responsibility to follow the nation's environmental laws, which are designed to protect the air we breathe and the local environment," said Ivan Vikin, Special Agent in Charge of EPA's Criminal Investigation Division in Louisiana. "Today's action shows that businesses and their senior managers who choose to ignore these critical safeguards and put their employees and the public at risk will be prosecuted."

"It is disturbing that a facility operator would bypass state and federal regulations to the detriment of human health and the environment," said DEQ Secretary Peggy Hatch. "The Louisiana Department of Environmental Quality continues to work with our state, local and federal partners in order to bring environmental violators to justice through comprehensive investigations, criminal enforcement actions and aggressive prosecution."

The investigation is ongoing and is being conducted by the Louisiana Environmental Crimes Task Force, which is comprised of the U.S. Environmental Protection Agency Criminal Investigation Division, the Louisiana Department of Environmental Quality Criminal Investigation Division and the Louisiana State Police. The case is being prosecuted by U.S. Attorney Stephanie Finley and the Environmental Crimes Section of the U.S. Department of Justice.

The mission of the Louisiana Department of Environmental Quality is to protect the environment and public health. Any persons with knowledge of any spills, releases, odors, fish kills, open burning, waste tires and any other types of environmental incidents may contact DEQ at 225-219-3640 or Toll Free 1-888-763-5424.

